UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/892,092	07/14/1997	TAKU YAMAGAMI	35.G1994	6547

5514 7590 02/13/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
VILLECCO, JOHN M	

ART UNIT	PAPER NUMBER
2612	32

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/892,092	YAMAGAMI, TAKU	
	Examiner	Art Unit	
	John M. Villecco	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *58-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *58-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 58-63 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 58-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakagami et al. (U.S. Patent No. 5,497,194) in view of Saito (Japanese Publ. No. 06-231023) and further in view of Redford et al. (U.S. Patent No. 5,788,507).**

4. Regarding ***claim 58***, Sakagami discloses an electronic camera of selectably recording image or voice data. More specifically, Sakagami discloses a switch (18) for selectably choosing to record image data from the image pickup device (14) or voice data from the microphone (16), and a memory card (12) for recording the generated image or voice data. The camera (11) also includes the ability to read image and voice data from the memory card. Furthermore, Official Notice is taken as to the fact that it is well known in the art to read data stored on a memory card out of the memory card to a cameras CPU. It is interpreted by the examiner that the data already recorded on a memory card is the prerecorded information. This feature allows a camera to

determine the data stored on the memory card. Therefore, it would have been obvious to one of ordinary skill in the art to read out the image and voice data stored in the memory card to Sakagami so that the camera is appraised of the data stored on the memory card.

Sakagami, however, fails to explicitly state the use of a file determining means for determining a file name by combining a character, selected in accordance with the generation condition selected by the selection means, and a serial number, in accordance with the information retrieved from the detachable recording medium. Saito, on the other hand, discloses an information recorder which determines a filename for a current image being recorded, based on the filenames of the previously recorded information. The system includes an image pickup circuit (2) for generating an image data and a system controller (12) for controlling the operation of the camera. In order to avoid duplication of file names it will determine if the current image being saved has a name similar to the name of a file stored on the memory card. If there is such a file, then a number is incremented and a new file name is generated. Each of the file names is composed of a character and a serial number (Fig. 5, 7, and 8) and is composed in accordance with the information retrieved from the memory card. After the file name is determined the image file is saved onto the memory card (16). As disclosed in paragraph 0020, the JP '023 reference will compare a created filename with a filename that has already been created and recorded in a directory. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create a filename for the image or voice data so that it does not have a similar filename to data recorded previously.

Furthermore, neither of the two aforementioned references discloses that filename determining device determines a filename based on whether image or voice data is selected.

Redford et al. (U.S. Patent No. 5,788,507) discloses that it is well known in the art to name different types of data files with different extensions. As disclosed in column 45, lines 8-12, image files are designated with the extension .TIF and sound files are designated with the extension .WAV. This feature allows a user to differentiate between imge and sound files. Therefore, it would have been obvious to one of ordinary skill in the art to name the files generated, as in Saito, so that the image and sound files are given different filenames.

5. Regarding ***claim 59***, Saito discloses there are two bytes that are allocated to be incremented if an image with a similar filename is found in the route directory of the memory card. Therefore, the image and voice data that is pre-recorded in the recording medium determines the plurality of characters to be used for a file name. See paragraphs 18-20.

6. ***Claim 60*** is considered a method claim corresponding to claim 58. Please see the discussion of claim 58 above.

7. ***Claim 61*** is a method claim corresponding to claim 59. Please see the discussion of claim 59 above.

8. With regard to ***claim 62***, Saito discloses that a filename is automatically generated based on the time that the memory card was mounted. This information correlates to the recording condition of image data that has been generated. Then a directory is checked to determine if a similar file name exists in the route directory of a memory card. If a similar file name does exist, a designated file name position character is incremented and a new file name is generated. Therefore, the file name determining step determines a file name in accordance with a recording condition of the image data generated and the information retrieved when searching the route directory of the memory card.

9. ***Claim 63*** is considered a method claim corresponding to claim 62. Please see the discussion of claim 62 above.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications; please mark "**EXPEDITED PROCEDURE**"; for informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.

JMV
2/9/04

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600